GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Allegations of corruption against Sri Cheekati Lakshmana Murthy, the then Revenue Inspector, Zone-VI, Ward Nos.66 to 69, Greater Visakhapatnam Municipal Corporation, Visakhapatnam - Permission accorded for prosecuting the accused officer in a court of law under the Prevention of Corruption Act, 1988 - Accused Officer convicted by the Judgement dated 25.04.2019 of Hon'ble Court of Special Judge for SPE & ACB Cases, Visakhapatnam in C.C.No.13/2014 – Imposition of punishment of withholding of pension and gratuity in full permanently against Sri Cheekati Lakshmana Murthy, the then Revenue Inspector (Retd.) – Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.I) DEPARTMENT

G.O.MS.No. 177 **Dated: 20-05-2019**

Read the following:-

1. From the Deputy Superintendent of Police, Anti Corruption Bureau, Visakhapatnam, A.P.Police Dept. Messages, dated 27.09.2011; 30.09.2011 & 04.10.2011.
2. Govt. Memo. No.25264/Vig.IV/2011-1, dated 18.10.2011 of M.A. & U.D. (Vig.IV) Department.
3. Proc. Rc.No.18232/2011/C3, dated 03.10.2011 of the Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
4. From the Director General, Anti Corruption Bureau, A.P., Hyderabad, letter No.207/RCT-WVP/2011, dated 08.07.2013.
5. Govt. Memo. No.25264/Vig.IV/2011-3, dated 20.08.2013 of M.A. & U.D. (Vig.IV) Department.
6. Govt. Memo. No.25264/Vig.IV/2011-4, dated 30.09.2013 of M.A. & U.D. (Vig.IV) Department.
7. Proc.Rc.No.18232/2011/C3, dated 26.08.2014 of the Special Officer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
8. From the Hon'ble Court of Special Judge for SPE & ACB Cases, Visakhapatnam, Judgment dated 25.04.2019 in C.C.No.13/2014.

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O R D E R:

Whereas, it has been brought to the notice of the Government by the Deputy Superintendent of Police, Anti Corruption Bureau, Visakhapatnam vide reference 1st read above that the accused officer Sri Cheekati Lakshmana Murthy, the then Revenue Inspector, Zone-VI, Ward Nos.66 to 69, GVMC., Visakhapatnam was caught red handed, when he further demanded and accepted the bribe of Rs.2,000/- from the complainant for doing official favour to process and levy Vacant Land Tax and issue Assessment number/notices for the purpose of payment of vacant lax tax to the house plots of complainant and his elder brother in Sy.No.52/B, Plot No.51, measuring 167 Sq. Yards each at Padmanabha Nagar, Enkatapuram, Visakhapatnam. The Accused Officer was arrested on 27.09.2011 and he was produced before the Hon'ble III Additional District & Sessions Judge-cum-Special Judge for ACB Cases, Visakhapatnam for Judicial custody.

2. And whereas, in the reference 2nd read above, the Commissioner, GVMC, Visakhapatnam was requested to consider and take necessary action for placing the accused officer Sri Cheekati Lakshmana Murthy, the then Revenue Inspector, Zone-VI, Ward Nos.66 to 69, GVMC., Visakhapatnam under deemed suspension from the date of his detention, in terms of Rule 8(2)(a) of A.P.Civil Services (Classification, Control and Appeal) Rules, 1991.

3. In the reference 3rd read above, the Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam has issued orders, placing the accused officer Sri Cheekati Lakshmana Murthy, the then Revenue Inspector, Zone-VI, Ward Nos.66 to 69, GVMC., Visakhapatnam under deemed suspension from the date of his detention with effect from 27.09.2011 in terms of Rule 8(2)(a) of A.P.Civil Services (Classification, Control and Appeal) Rules, 1991.

(P.T.O.)

4. In the reference 4th read above, the Director General, Anti Corruption Bureau, A.P., Hyderabad in his Final Report dated 08.07.2013 has recommended for prosecution of the accused officer Sri Cheekati Lakshmana Murthy, the then Revenue Inspector, Zone-VI, Ward Nos.66 to 69, GVMC., Visakhapatnam in a court of law for the offences punishable under sections 7, 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988.

5. The suspension period of Sri Cheekati Lakshmana Murthy, the then Revenue Inspector (Under Suspension) has been examined in detail and it has been decided to reinstate him into service, without prejudice to criminal / disciplinary proceedings pending against him. Accordingly, the suspension period of Sri Cheekati Lakshmana Murthy, the then Revenue Inspector (Under Suspension) was revoked and he was reinstated into service, vide reference 5th read above.

6. In the reference 6th read above, the Commissioner, GVMC., Visakhapatnam was requested to consider and accord sanction for prosecution against the accused officer Sri Cheekati Lakshmana Murthy, the then Revenue Inspector, Zone-VI, Ward Nos.66 to 69, GVMC., Visakhapatnam in a court of law for the offences punishable under sections 7, 13 (2) read with 13(1)(d) of the Prevention of Corruption Act, 1988.

7. In the reference 7th read above, the Special Officer, GVMC., Visakhapatnam has issued prosecution sanction orders against the accused officer Sri Cheekati Lakshmana Murthy, the then Revenue Inspector, Zone-VI, Ward Nos.66 to 69, GVMC., Visakhapatnam.

8. In the reference 8th read above, the Hon'ble Court of Special Judge for SPE & ACB Cases, Visakhapatnam in its Judgement dated 25.04.2019 in C.C.No.13/2014 held that –

"…… the AO has failed to probabilise his defence that he has been falsely implicated in the present case or that the bribe was not demanded and accepted by him and failed to rebut the presumption under section 20 of Prevention of Corruption Act. The prosecution has further successfully proved its case beyond reasonable doubt against AO that being public servant while working as Revenue Inspector, GVMC., Visakhapatnam he committed the criminal misconduct by demanding the bribe of Rs.2,000/- from the complainant (PW1) for issuing vacant land tax assessment numbers to PWs 1 and 2.

In the light of above discussion, the Hon'ble Court hold that the prosecution has proved the guilt of the AO beyond all reasonable doubt for the charges framed against him.

In the result, the accused is found guilty for the offences punishable under sections 7 and 13 (2) read with 13(1)(d) of Prevention of Corruption Act, 1988, and accordingly he is convicted under section 248(2) Cr.P.C.

The accused is asked as to the sentence to be imposed on him for which he stated that he is retired from service in the year 2015 itself and his wife and children are dependents on him and he is the breadwinner of his family and suffering from ill-health and requested to take a lenient view.

Considering the age, family condition of the accused and nature of the offence, a lenient view is taken and the accused is sentenced to undergo Simple Imprisonment for one year and pay a fine of Rs.2,000/- (Rupees Two thousand only) in default to suffer Simple Imprisonment for three (3) months for the offence under section 7 of Prevention of Corruption Act, 1988 and sentenced to undergo Simple Imprisonment for two (2) years and pay a fine of Rs.3,000/- (Rupees Three thousand only) in default to suffer Simple Imprisonment for three (3) months for the offence under section 13(2) read with 13(1)(d) of Prevention of Corruption Act. Both substantive sentences shall run concurrently".

Contnd….3.

9. Government have examined the entire matter carefully and it has been decided to impose a punishment of withholding of pension and gratuity in full permanently against Sri Cheekati Lakshmana Murthy, the then Revenue Inspector, Zone-VI, Ward Nos.66 to 69, GVMC., Visakhapatnam under Rule 9 of A.P.Revised Pension Rules, 1980, as the said accused officer was found guilty for the offences punishable under sections 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 and accordingly, he was convicted by the Orders of Hon'ble Court of Special Judge for SPE & ACB Cases, Visakhapatnam, dated 25.04.2019 in C.C.No.13/2014.

10. Accordingly, Government hereby order to impose a punishment of withholding of pension and gratuity in full permanently against Sri Cheekati Lakshmana Murthy, the then Revenue Inspector, Zone-VI, Ward Nos.66 to 69, GVMC., Visakhapatnam under Rule 9 of A.P.Revised Pension Rules, 1980, as the said accused officer was found guilty for the offences punishable under sections 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 and convicted by the Orders of Hon'ble Court of Special Judge for SPE & ACB Cases, Visakhapatnam, dated 25.04.2019 in C.C.No.13/2014.

11. The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam shall take further necessary action in the matter, accordingly.

12. The receipt of G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri Cheekati Lakshmana Murthy, the then Revenue Inspector, Zone-VI,
Ward Nos.66 to 69, GVMC., Visakhapatnam through the Commissioner,
GVMC., Visakhapatnam.
The Commissioner, GVMC., Visakhapatnam.

Copy to:

The Director of Municipal Administration, A.P., Guntur.
The Principal Accountant General (A&E), A.P., Vijayawada.
The Director General, Anti Corruption Bureau, A.P., Vijayawada.
The Secretary to A.P.Vigilance Commission, 5th Building,
A.P.Secretariat, Velagapudi.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER